

Remarks

Claims 1-20 are at issue. Claims 1-3, 7, 10 & 14 stand rejected under 35 USC 102(e) as being anticipated by Chien et al (US 6512478). Claims 4-6, 9, 12, 13 & 18 stand rejected under 35 USC 103(a) as being unpatentable over Chien et al in view of McCarthy et al (US20020196131).

General Comments

Chein et al are concerned with "RF" tags which are "transmit-only" (Abstract). In addition, they are concerned with tags shot out of a dispenser 203 and as a result they need tags that are inexpensive. The present invention is concerned "wearable tags" that receive and transmit information. The tags are purposely worn and may contain complicated and expensive processing and communications equipment. The invention described by Chein would not meet the goals of the present application to have a communication and tracking system for emergency.

Claims

Claim 1 requires a wearable tag capable of receiving a positioning signal from several positioning systems and then transmitting a tag position to a computer. The Examiner points to Chein Col 17, lines 25-35 and Col. 18, lines 5-20. First, Chien only receives a positioning signal from a single positioning subsystem and this is only once as an initial position 523 (Col. 17, lines 19-20). The INS is an Inertial Navigation System 531 that uses accelerometers and gyroscopes to calculate where the tag has moved from its initial position and is part of the tag 503. As a result, the INS is not one of the positioning subsystems (the positioning subsystems are required in the claim to have a transmitter and receiver). Claim 1 is allowable over the prior art.

Claim 2 requires a time modulated signal (like a frequency or amplitude or phase modulated signal). None of the sections pointed to by the Examiner shows a time modulated signal. A computer search of the patent does not show the use of the words "time modulated". Claim 2 is clearly allowable over the prior art.

Claim 3 requires a time modulated transmission system. None the sections pointed to by the Examiner shows a time modulated signal. A computer search of the patent does not show the use of the words "time modulated". Claim 3 is clearly allowable over the prior art.

Claim 4 requires that there be an alarm when the wearable tag has been stationary for a period of time. The Examiner points to McCarthy paragraph 0009. A careful reading of McCarthy shows that the paragraph is talking about measuring the thermal energy in a trunk of a car. This is not a wearable tag and does not measure if the tag is stationary (the trunk is always stationary with respect to the car). The paragraph does say that if the thermal energy is greater than a predetermined level, the car then determines if it is stationary. It does not determine if the car has been stationary for a predetermined period of time. Claim 4 is allowable over the prior art.

Claim 5 requires an audible alarm. The section pointed to in McCarthy by the Examiner does not state anything about an audible alarm. Claim 5 is allowable over the prior art.

Claim 6 requires the tag to measure the user's vital signs. The section pointed to in McCarthy by the Examiner does not state anything about vital signs. Claim 6 is allowable over the prior art.

Claim 7 requires a time modulated receiver. None the sections pointed to by the Examiner shows a time modulated signal. A computer search of the patent does not show the use of the words "time modulated". Claim 7 is clearly allowable over the prior art.

Claim 8 is allowable as being dependent upon an allowable base claim.

Claim 9 requires the console to flash when there is an alert from the tag. The section pointed to in McCarthy by the Examiner does not state anything about a flashing indicator when there is an alarm. Claim 9 is allowable over the prior art.

Claim 10 requires a wearable tag capable of receiving a positioning signal from several positioning systems and then transmitting a tag position to a computer. The Examiner points to Chein Col 17, lines 25-35 and Col. 18, lines 5-20. First, Chien only receives a positioning signal from a single positioning subsystem and this is only once as an initial position 523 (Col. 17, lines 19-20). The INS is an Inertial Navigation

System 531 that uses accelerometers and gyroscopes to calculate where the tag has moved from its initial position and is part of the tag 503. As a result, the INS is not one of the positioning subsystems (the positioning subsystems are required in the claim to have a transmitter and receiver). Claim 10 is allowable over the prior art.

Claim 11 are allowable as being dependent upon an allowable base claim.

Claim 12 requires that there be an alert when the wearable tag has been stationary for a period of time. The Examiner points to McCarthy paragraph 0009. A careful reading of McCarthy shows that the paragraph is talking about measuring the thermal energy in a trunk of a car. This is not a wearable tag and does not measure if the tag is stationary (the trunk is always stationary with respect to the car). The paragraph does say that if the thermal energy is greater than a predetermined level, the car then determines if it is stationary. It does not determine if the car has been stationary for a predetermined period of time. Claim 12 is allowable over the prior art.

Claim 13 requires an audible alarm. The section pointed to in McCarthy by the Examiner does not state anything about an audible alarm. Claim 13 is allowable over the prior art.

Claim 14 requires a **time** modulated ultra wide band multiple access transmission system (like a frequency or amplitude or phase modulated signal). None of the sections pointed to by the Examiner shows a time modulated signal. A pseudorandom code is not a **TIME Modulated signal**. **This term is clearly defined in the specification and the applicant is allowed to be their own lexicographer and the Examiner's interpretation is not within the "broadest reasonable interpretation" of the term.** A computer search of the patent does not show the use of the words "time modulated". Claim 14 is clearly allowable over the prior art.

Claim 15 requires a directional antenna. A direction antenna is not discussed in the prior art. Claim 15 is allowable.

Claims 16 & 17 requires an impulse radio transmitter. This is clearly not shown in the prior art. **This term is clearly defined in the art and the Examiner's interpretation is not within the "broadest reasonable** Claims 16 & 17 are clearly allowable over the prior art.

Claim 18 requires that there be an alarm when the wearable tag has been stationary for a period of time. The Examiner points to McCarthy paragraph 0009. A careful reading of McCarthy shows that the paragraph is talking about measuring the thermal energy in a trunk of a car. This is not a wearable tag and does not measure if the tag is stationary (the trunk is always stationary with respect to the car). The paragraph does say that if the thermal energy is greater than a predetermined level, the car then determines if it is stationary. It does not determine if the car has been stationary for a predetermined period of time. Claim 18 is allowable over the prior art.


Claim 19 requires a directional antenna on the wearable subsystem. The first section (Col. 19) pointed to by the Examiner is about multi-path problems and has nothing to do with directional antennas. The second section (Col. 27) is discussing a directional antenna on the relays not the tags. Claim 19 is allowable over the prior art.

Claim 20 is allowable as being dependent upon an allowable base claim.

Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

(McKay)

By 

Attorney for the Applicant

Dale B. Halling

Phone: (719) 447-1990

Fax: (719) 447-9815

I hereby certify that an Response is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450 Alexandria, VA 22313-1450, on:

1/3/05

Date


Signature (Dale Halling)